

## § 158.614

(b) *Delivery of Notice.* This notice must be either hand delivered, sent by certified mail, return receipt requested, or sent by overnight delivery service with signature upon delivery required.

### § 158.614 Appeal of proposed penalty.

Any issuer against which HHS has assessed a penalty under this Part may appeal that penalty in accordance with § 150.400 *et seq.*

### § 158.615 Failure to request a hearing.

If the issuer does not request a hearing within 30 days of the issuance of the notice described in § 158.613 of this subpart, HHS may assess the proposed civil monetary penalty indicated in such notice and may impose additional penalties as described in § 158.606 of this subpart. HHS must notify the issuer in writing of any penalty that has been assessed and of the means by which the issuer may satisfy the penalty. The issuer has no right to appeal a penalty with respect to which it has not requested a hearing in accordance with § 150.405 of this subchapter, unless the responsible entity can show good cause, as determined at § 150.405(b) of this subchapter, for failing to timely exercise its right to a hearing.

## PART 159—HEALTH CARE REFORM INSURANCE WEB PORTAL

Sec.

159.100 Basis and Scope.

159.110 Definitions.

159.120 Data Submission for the individual and small group markets.

**AUTHORITY:** Section 1103 of the Patient Protection and Affordable Care Act (Pub. L. 111-148).

**SOURCE:** 75 FR 24482, May 5, 2010, unless otherwise noted.

### § 159.100 Basis and scope.

This part establishes provisions governing a Web portal that will provide information on health insurance coverage options in each of the 50 States and the District of Columbia. It sets forth data submission requirements for health insurance issuers. It covers the individual market and the small group market.

## 45 CFR Subtitle A (10-1-11 Edition)

### § 159.110 Definitions.

For purposes of part 159, the following definitions apply unless otherwise provided:

*Health Insurance Coverage:* We adopt the Public Health Service Act (PHSA) definition of “health insurance coverage” found at section 2791(b)(1) of the Public Health Service Act (PHSA).

*Health Insurance Issuer:* We adopt the PHSA definition of “health insurance issuer” found at section 2791(b)(2) of the PHSA.

*Health Insurance Product:* Means a package of benefits that an issuer offers that is reported to State regulators in an insurance filing.

*Individual Health Insurance Coverage:* We adopt the PHSA definition of “individual health insurance coverage” found at section 2791(b)(5) of the PHSA.

*Individual Market:* We adopt the Affordable Care Act definition of “individual market” found at section 1304(a)(2) of the Affordable Care Act and 2791(e)(1)(A) of the PHSA.

*Portal Plan:* Means the discrete pairing of a package of benefits and a particular cost sharing option (not including premium rates or premium quotes).

*Section 1101 High Risk Pools:* We define section 1101 high risk pools as any entity described in regulations implementing section 1101 of the Affordable Care Act.

*Small Employer:* We adopt the Affordable Care Act definition of “small employer” found at section 1304(b)(2) and (3).

*Small Group Coverage:* Means health insurance coverage offered to employees of small employers in the small group market.

*Small Group Market:* We adopt the Affordable Care Act definition of “small group market” found at section 1304(a)(3).

*State Health Benefits High Risk Pools:* Means nonprofit organizations created by State law to offer comprehensive health insurance to individuals who otherwise would be unable to secure such coverage because of their health status.